

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In Re Application of:</b>	Kuslich et al.
<b>Application No.:</b>	09/738,726
<b>Filed:</b>	December 15, 2000
<b>For:</b>	TOOL TO DIRECT BONE REPLACEMENT MATERIAL
<b>Examiner:</b>	Nihir Patel
<b>Group Art Unit:</b>	3743

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S85.2-7189- JS02

## AMENDMENT

This Amendment is submitted as part of a Request for Continued Examination in response to the Final Office Action mailed March 10, 2003. In response please amend the Application as follows:

In The Claims:

1. (Twice Amended) A system for filling a bone cavity comprising:  
a fill container, the fill container comprising a wall the wall defining a fill  
space;  
a predetermined quantity of bone replacement material; and  
[A] a tool for directing the bone replacement material into [a defined] the  
fill space, the tool comprising:
- a) an elongated hollow tube having a proximal and a distal end, said proximal end being adapted for attachment to a source of the bone replacement material under pressure; and
  - b) said distal end including at least one deflector opening for deflecting the bone